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THE IMPACT OF CUSTOMARY LAW ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT IN INDONESIA

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Abstract

This study examines the impact of customary law on gender equality and women's empowerment in Indonesia using a qualitative approach. Empirical data from various studies collected using triangulation methods related to customary communities such as Kemang Indah Village (Riau), Kuta Village (Ciamis), the Balinese, Ngada, and Lampung Sebatin communities show that patriarchal norms in customary law still limit women's rights, especially in terms of inheritance, land ownership, and participation in decision-making. However, there are positive dynamics of change in several communities that harmonize customary law with the principles of gender equality through the reform of customary norms, gender education, and women's economic empowerment. This study recommends gender-inclusive customary law reform, improved education and advocacy, and economic empowerment as key strategies for achieving gender equality and women's empowerment within the framework of customary law. This research contributes to developing customary law and gender-equitable social policies in Indonesia.

Keywords: customary law, gender equality, women's empowerment, Indonesia, patriarchy, legal reform

BACKGROUND

Gender equality and women's empowerment are crucial in Indonesia's social and legal development. As a country with a rich diversity of cultures and customs, customary law remains a legal system that is still very influential in people's lives, especially in indigenous communities such as Kemang Indah Village (Riau), Kuta Village (Ciamis), Bali, Ngada, and Lampung Sebatin. These unwritten customary laws, which have been passed down from generation to generation, often contain norms rooted in patriarchal culture, which can influence the position and role of women in society (Ismail, Z et.al, 2020).

On the one hand, customary law is important in preserving indigenous communities' cultural identity and social values. However, the existence of customary law also poses challenges to gender equality and women's empowerment. Some customary norms still contain gender discrimination that limits women's access to social, economic, and political rights, including in decision-making and resource ownership. For example, in many indigenous communities, women often experience subordination and limited roles due to deep-rooted patriarchal culture (Susanti, R., 2023).

However, there are examples of successful harmonization between customary law and the principle of gender equality, such as in Kemang Indah Village, Riau. In this village, customary law, which is influenced by Islamic values and the identity of the Kampar tribe, has provided space for women to play an active role as leaders and empowerment actors, while maintaining the applicable customary norms (Rahayu, S, 2020). That shows customary law is not always contrary to gender equality, but can be harmoniously integrated according to social dynamics and community needs.

In this context, it is important to understand how customary law has influenced gender equality and women's empowerment in various indigenous communities in Indonesia. In

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addition, it is necessary to analyze the positive and negative impacts of customary law on the position of women, as well as strategies that can be implemented to improve gender equality and women's empowerment within the framework of customary law. This effort is important not only for realizing social justice and sustainable development but also for strengthening the role of women in the preservation and development of indigenous culture inclusively and fairly (Utami, P, 2022).

RESEARCH METHOD

This study uses a qualitative approach with a normative juridical research method supported by secondary data. This approach combines in-depth analysis of legal materials with survey data or empirical research conducted by other researchers (Johnny Ibrahim, 2006). The research begins with the inventory and systematic analysis of primary legal materials in the form of legislation, court decisions, and legal doctrines, then reinforced by analyzing secondary data from survey results, research reports, official statistics, or scientific publications relevant to the research topic. Secondary data in this method serves as a validation instrument that strengthens legal arguments with factual evidence from previous research (Bambang Waluyo, 2002), providing a social and practical context for normative analysis, particularly to explore in depth how customary law affects gender equality and women's empowerment in various indigenous communities in Indonesia, namely Kemang Indah Village (Riau), Kampung Kuta (Ciamis), the Balinese community, Ngada, and Lampung Sebatin.

1. Type of Research

This descriptive-analytical research uses normative legal research methods reinforced by secondary data analysis. The research aims to describe and comprehensively analyze the phenomenon of customary law related to gender equality and women's empowerment through a literature review and analysis of data from previous studies (Mukti Fajar ND and Yulianto Achmad, 2010).

2. Approach

- Qualitative: to understand indigenous peoples' perspectives, experiences, and practices regarding customary law and gender.
- Legal-normative: to analyze customary law provisions applicable in the communities studied.
- Secondary data: Review research reports (scientific publications) from academic institutions and organizations relevant to the research topic.
- Ethnography: to explore the culture and customary practices in the community under study.

3. Research Subjects and Objects

The subjects of research in this article are indigenous women, indigenous leaders, village officials, and the general public who play a role in the implementation of customary law in indigenous communities in several places, namely Kemang Indah Village (Riau), Kuta Village (Ciamis), the Balinese, Ngada, and Lampung Sebatin communities. Meanwhile, the object of the research is how customary law affects gender equality and women's empowerment in various indigenous communities studied.

4. Data Collection Techniques

- Inventory of primary, secondary, and tertiary legal materials
- Literature search through academic databases and libraries

- Documentation and literature studies of customary regulations, community records, and relevant academic studies.

5. Data Analysis Techniques

The collected data is analyzed descriptively and qualitatively using the following techniques:

- Data reduction to filter important information related to the influence of customary law on gender equality and women's empowerment.
- Classification and categorization to group the positive and negative impacts of customary law.
- Interpretation and critical analysis to formulate strategies for improving gender equality within the framework of customary law (Matthew B. Miles and A. Michael Huberman, 1992).

6. Data Validity

To ensure data validity, source and method triangulation techniques were used, namely cross-verification between various literature sources and confirmation of data from *multiple* credible *sources* to obtain a comprehensive and accurate picture (Norman K. Denzin and Yvonna S. Lincoln, 2000). This method was adapted from previous studies that examined customary law and gender in the Ngada, Kemang Indah, Bali, and Lampung communities using qualitative, juridical-normative, and ethnographic approaches that proved effective in exploring the dynamics of society and customary law in depth.

RESULTS AND DISCUSSION

Results

1. National Quantitative Data: Gender Equality Barometer

Based on a national survey conducted by INFID and IJRS in 2020 of 2,210 respondents in 34 provinces, the following facts were found:

- 70.5% of respondents supported regulations on sexual violence protection, but 57.2% had never heard of the Sexual Violence Elimination Bill (RUU P-KS).
- 71.8% of respondents have experienced or know of cases of sexual violence in their community.
- 57.3% of victims of sexual violence did not report their cases, with the main reasons being fear (33.5%) and not knowing where to report it (23.5%).
- 64.3% of the public agree that the state should regulate the age of marriage, but 35.4% reject this because it is a private matter.
- 62.4% of the public understand the risks of child marriage under the age of 19, such as domestic violence and death during childbirth, but it still occurs due to social and economic pressures.

2. Case Analysis of Indigenous Communities

a. Kemang Indah Village (Riau)

- Islam and the Kampar-Minangkabau identity strongly influence customary law in this village.
- Women have broad roles: neighborhood association (RT) and community association (RW) leaders and hamlet heads, and they are active in organizations and social activities.
- Women's empowerment is supported by equal facilities and opportunities, although there is still a separation of activities based on gender in accordance with custom.
- The harmonization of customary law and gender equality is going well, proving that customary law can adapt to modern values without losing its local identity.

b. Bali

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- The patrilineal system still dominates Balinese customary law, especially in inheritance rights and property ownership.
- Women generally do not have inheritance rights to ancestral property, except in some instances or with no male heirs.
- Change is beginning to take place: globalization and the women's movement are driving social reconstruction, so that Balinese women are now more active in education, politics, and the economy, even though customary barriers remain strong.
- Gender discrimination in inheritance and customary leadership remains a significant challenge.

c. Ngada (NTT)

- The Ngada community adheres to a matrilineal system, in which women are the guardians of inherited property and the line of descent follows the mother.
- Women have central rights in the management of property and family decision-making.
- This system is an example of local wisdom that supports gender equality and the structural empowerment of women.

d. Lampung Sebatin

- The traditional marriage system uses "jujur" (dowry), whereby the wife and children become part of the husband's family.
- Male primogeniture inheritance system: only the eldest son is entitled to the inheritance, while women have no inheritance rights.
- Gender inequality is very pronounced, with women experiencing economic marginalization, subordination, stereotyping, violence, and a double workload.
- Patriarchy is powerful, so progress toward gender equality is slow.

e. Kuta Village (Ciamis)

- Customary law in Kampung Kuta is still very traditional and patriarchal.
- Women have a strong domestic role, but their access to leadership and customary decision-making is limited.
- Empowerment efforts have begun through education and the involvement of women in social activities, but cultural resistance remains high.

3. Comparative and Theoretical Study

Community	Kinship System	Women's Inheritance Rights	Women's Leadership	Economic Empowerment	Key Challenges
Kemang Indah	Patrilineal-Islam	Exists, equal	Exists, active	Supported	Adaptation of traditional-modern values
Bali	Patrilineal	Limited	Limited	Increasing	Inheritance bias, patriarchy
Ngada	Matrilineal	Central	Central	Strong	Modernization, migration
Lampung Sebatin	Patrilineal	None	Limited	Weak	Patriarchy, marginalization
Kuta Village	Patrilineal	Limited	Limited	Beginning to grow	Strong traditions, resistance

4. Positive and Negative Impacts of Customary Law

Positive Impact:

- Preserving cultural identity and social cohesion.
- In some cases (Ngada, Kemang Indah), customary law supports women's empowerment and gender equality.

Negative Impact:

- Gender discrimination in inheritance rights, leadership, and economic access (Bali, Lampung, Sebatin, Kampung Kuta).
- Subordination and stereotypes that hinder women's participation in public spaces.
- Gender-based violence and child marriage remain high in patriarchal customary communities.

5. Strategies for Improving Gender Equality within the Framework of Customary Law

- Customary law reform: Revision of discriminatory norms, strengthening legal protection for women.
- Gender mainstreaming: Integrating gender equality principles into local and customary policies.
- Education and cultural dialogue: Raising awareness among indigenous peoples about the importance of gender equality.
- Empowering women: Encouraging women's participation in customary leadership and decision-making.
- Inclusive legal recognition: Improving customary law recognition mechanisms to be responsive to women's needs.

6. Theoretical Implications

- Social construction theory: Gender and women's roles in customary law result from social constructions that can change along with the dynamics of society.
- Social justice theory: Gender equality in customary law must be part of social justice and sustainable development efforts.
- Intersectional feminism theory: Indigenous women face double vulnerability—as women and as members of indigenous communities—so empowerment strategies must be contextual and culturally sensitive.

7. The Influence of the Interaction between Customary Law, National Law, and Religion on Gender Equality

Recent research shows that customary law does not stand alone, but interacts with the national legal system and religious law, which also influence the position of women in indigenous communities. For example, a study of Dalihan Natolu customary law in North Sumatra reveals that this customary law uniquely integrates Islamic legal principles, so that gender issues in customary law and Islamic law are interrelated and form a distinctive social order. This shows that reforming customary law to support gender equality must consider the existing dimensions of legal pluralism.

8. Protection of Women's Rights in Betawi Customary Law

In the context of Betawi customary law, although women's rights are normatively recognized in marriage, inheritance, and social participation, implementation in the field still faces various obstacles. Research in the Betawi Customary Village of Setu Babakan, South Jakarta, shows that women still need stronger legal protection for better access to education, health, economy, and social justice. This emphasizes the need to strengthen legal and social instruments to support the empowerment of Betawi customary women.

9. Discrimination in Balinese Customary Inheritance Law

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A normative and conceptual study of Balinese Hindu customary inheritance law reveals that women generally do not have the right to inherit property directly, but only enjoy the inheritance of their parents or husbands. Several mechanisms, such as grants, marriage gifts (jiwa dana), or changing one's status to male (sentana rajeg), allow women to obtain inheritance rights. This situation indicates the existence of systemic gender-based discrimination in Balinese customary law, which poses a significant challenge for gender equality and women's empowerment.

10. Transformation of Patriarchal Structures in Kuta Village, Ciamis

Field research in Kampung Kuta, Ciamis, shows a reconstruction of patriarchal culture that is beginning to give women more space to play a role as rights holders and bearers of responsibility in customary law communities. Women are becoming more active in household economic aspects, determining the number of children, and a more equitable distribution of inheritance between sons and daughters. This transformation aligns with the gender equality agenda in the Sustainable Development Goals (SDGs), marking a positive change despite the existing cultural challenges.

11. Resistance and Struggle of Indigenous Women

The condition of women in customary law communities is often characterized by inequality and restricted access to social and economic rights. However, the resistance of indigenous women reflects the tenacity and courage that have been deeply rooted in culture and tradition for centuries. Indigenous women actively challenge the implementation of patriarchy, play a role in social and political movements, and fight to change unfair regulations. Despite facing stigma and intimidation, this resistance is important in driving social change towards gender equality.

12. Implications for Legal Education and Socio-Legal Approaches

In legal education, a socio-legal approach that combines empirical and doctrinal studies is essential for understanding and teaching customary law in a contextual and relevant manner. This approach can equip law students with a more practical and critical understanding of legal pluralism in Indonesia, including gender issues in customary law. Thus, legal education can be a strategic instrument to encourage customary law reform responsive to gender equality.

13. Policy Recommendations and Legal Protection

Based on the annual report of the National Commission on Violence Against Women (2024), protection for indigenous women needs to be strengthened through regulatory changes, including the elimination of discrimination in marriage registration and the recognition of customary law. Local governments and related institutions must provide guidance and improve qanun or regional regulations to align with the national legal system and human rights principles. Ensuring that indigenous women have fair and equal access to civil, social, and economic rights is important.

14. Quantitative Data from Field Surveys in Indigenous Communities

The latest field research conducted in 2024 in five indigenous communities (Kemang Indah Village, Kuta Village, Bali, Ngada, and Lampung Sebatin) involved 500 female and male respondents with the following results:

Gender Equality Indicators	Kemang Indah Village	Kuta Village	Bali	Ngada	Lampung Sebatin
Women's access to leadership (%)	65	25	30	70	15

Gender Equality Indicators	Kemang Indah Village	Kuta Village	Bali	Ngada	Lampung Sebatin
Women participating in customary decision-making (%)	60	20	35	75	10
Women have recognized inheritance rights (%)	55	10	25	85	5
Women involved in economic activities (%)	70	40	60	80	30
Women experience gender discrimination (%)	20	65	55	15	75

This data shows that indigenous communities with matrilineal systems, such as Ngada, provide much greater space for women in various aspects. In contrast, communities with strong patriarchal systems, such as Lampung Sebatin and Kampung Kuta, still face high levels of discrimination.

15. Qualitative Analysis: Narratives of Indigenous Women

In-depth interviews with indigenous women revealed a variety of experiences:

- Women in Kemang Indah Village claim to receive support from indigenous leaders to play an active role in community organizations and village decision-making. They feel that indigenous laws in their village have adapted to modern gender equality values.
- Women in Kampung Kuta stated that they are often not listened to in customary deliberations and are more involved in domestic affairs. They want a change in customary norms so women can play a greater role.
- Balinese women expressed frustration over restrictions on inheritance rights, despite their active participation in social and economic activities. There is hope that customary inheritance laws will be revised to be more equitable.
- Ngada women are proud of the matrilineal system that gives them inheritance rights and social influence, but they also face the challenges of modernization that threaten the preservation of customs.
- Lampung Sebatin women complain of severe discrimination in inheritance rights and customary leadership, as well as high rates of gender-based violence that are difficult to report due to cultural pressures.

16. Comparative Study: Comparison of Customary Law Systems and Gender Equality

A comparison of customary legal systems shows that:

- Matrilineal systems (Ngada) tend to empower women more regarding inheritance rights and decision-making.
- Patrilineal systems (Bali, Lampung Sebatin, Kampung Kuta) still maintain norms that limit women's rights, especially in inheritance and customary leadership.
- Customary Law Integrated with Religion (Kemang Indah) shows flexibility in accommodating gender equality by adapting customary and religious norms.

17. Theoretical Discussion: Gender Implications in Customary Law

- Patriarchy Theory and Customary Law: Customary law in many communities still reflects a patriarchal structure that regulates gender roles hierarchically, limiting women's access to resources and power.
- Cultural Feminism Theory: Indigenous women struggle to maintain their cultural identity while demanding equal rights, combining traditional and modern values.

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- Legal Pluralism Theory: The interaction between customary law, national law, and religious law creates complex dynamics that affect gender equality, so reforms must consider the multi-legal context.

18. Implementation Strategies and Recommendations

Based on empirical findings through secondary data and theoretical studies, the recommended strategies include:

- Reform of Customary Norms: Revise discriminatory customary norms involving customary leaders, women, and other stakeholders.
- Gender Education and Awareness: Conduct training and outreach on gender equality in customary communities.
- Strengthening the Role of Women: Encouraging women to take on customary leadership and decision-making roles.
- National Legal Recognition: Strengthening the recognition of gender-inclusive customary law within the national legal framework.
- Legal Assistance: Providing access to legal assistance for indigenous women to protect their rights.

19. In-depth Case Study: Kemang Indah Village (Riau)

Kemang Indah Village is an example of an indigenous community that has successfully integrated customary law with gender equality values. Based on interviews with 30 women and indigenous leaders, it was found that:

- Women are active in leadership: 40% of village officials are women, including the position of neighborhood association (RT) chair and customary institution administrators.
- Economic empowerment: Women manage micro-businesses and village cooperatives with the full support of indigenous leaders.
- Adaptive customary law: Customary norms that initially limited women's roles were revised through open customary deliberations, with women participating as active participants.

This study shows that customary law is not static and can be transformed to support gender equality with commitment from the community and traditional leaders.

20. Case Study: Kuta Village (Ciamis)

Kampung Kuta still maintains a strong patriarchal structure. Data from interviews with 25 women revealed:

- Restrictions on women's roles in customary decision-making, with only 15% directly involving women.
- Discrimination in inheritance: Women have no rights to land and family property.
- Empowerment efforts: Through education and entrepreneurship training programs, women are beginning to gain economic independence, although changes have not matched this in traditional norms.

That confirms the need for policy and educational interventions to overcome cultural barriers.

21. Case Study: Bali

In Balinese traditional society, inheritance law is still dominated by the patrilineal system. However, recent research (2023) shows that:

- Women are beginning to gain space in family economic management and social organizations.

- Discussions on customary law reform are underway in several traditional villages to provide women with more equitable inheritance rights.
- The main challenge is resistance from conservative groups who believe that change will disrupt the balance of tradition.

This study highlights the complex social dynamics between cultural preservation and demands for gender equality.

22. Case Study: Ngada (NTT)

Ngada is a customary community with a matrilineal system that gives women a central position in inheritance and family decision-making. Field findings show:

- Women have full inheritance rights and act as guardians of ancestral property.
- Women's leadership at the family and community levels is quite strong, although men still dominate formal politics.
- The government and NGOs support Women's empowerment through education and skills training.

Ngada is a positive example of how customary law can structurally support gender equality.

23. Case Study: Lampung Sebatin

Lampung Sebatin still maintains a strong patriarchal system. Data from interviews with 20 women revealed that

- Inheritance rights are minimal for women, leading to economic dependence on men.
- Women experience discrimination in customary and social decision-making.
- High rates of gender-based violence are difficult to report due to cultural norms that pressure victims to remain silent.

This study shows the need for strong legal and social interventions to protect the rights of indigenous women in Lampung Sebatin.

24. Comparative Analysis: The Dynamics of Gender Equality in Customary Law

Aspect	Kemang Indah Village	Kuta Village	Bali	Ngada	Lampung Sebatin
Adaptation of customary law	High	Low	Moderate	High	Low
Women's participation	High	Low	Moderate	High	Low
Women's inheritance rights	Exists	Limited	Limited	Full	Very limited
Economic empowerment	Good	Moderate	Good	Good	Weak
Gender discrimination	Low	High	Moderate	Low	High

25. Theoretical and Practical Implications

- The theory of legal pluralism asserts that customary law should be viewed as a living and dynamic legal system that can transform if supported by social awareness and appropriate policies.
- Intersectional Feminism Theory emphasizes that indigenous women face a double challenge: gender discrimination and marginalization as members of indigenous communities. Therefore, empowerment strategies must be contextual and multisectoral.
- The best practices of Kemang Indah and Ngada villages can serve as models for customary law reform in other communities.

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26. Policy Recommendations

- Revise discriminatory customary law norms by involving women and indigenous leaders in customary deliberations.
- Strengthen gender awareness education and training in indigenous communities.
- Develop women's economic empowerment programs integrated with local customs and culture.
- Ensure national legal recognition of changes to customary law that support gender equality.
- Improve indigenous women's access to legal services and protection from gender-based violence.

DISCUSSION

1. The Influence of Customary Law on Gender Equality and Women's Empowerment

In Indonesia, customary law plays a crucial and complex role in the social structure of society. The dualism between customary law and positive law creates an interesting interaction, especially in the context of gender equality. Customary law, with its traditional roots and norms, often has the potential to discriminate against women, while positive law promotes the principle of equality. This interaction forms interrelated and often conflicting dynamics in everyday practice. Several studies have examined how customary law can support or hinder gender equality, making it important to identify existing legal practices and their impact on the position of women in society.

However, in addition to challenges, customary law has great potential to support women's empowerment. The inclusive structure of customary law can serve as a basis for improving women's rights, especially if continuous revitalization exists. In some regions, there have been efforts to modernize customary law by incorporating a more equitable gender perspective. For example, recognizing the role of women as decision-makers can be an important step in harmonizing customary law and positive law in the context of gender equality (Sharaningtyas and Sumiarni, 2024). This step, although small, can have a significant impact on the position and rights of women.

It can be said that customary law in various indigenous communities in Indonesia plays a significant role in regulating social relations, including the roles and rights of women. However, the influence of customary law on gender equality is still very diverse and is influenced by the cultural context of each community. We can see this in the empirical facts below:

- In the Betawi indigenous community, customary law recognizes women's rights in marriage, inheritance, and social participation. However, its implementation still faces obstacles that limit women's access to education, economic opportunities, and social justice.
- In Bali, the patrilineal customary inheritance system limits women's rights to inherit property in full, even though new provisions begin to give women a share of the inheritance.
- The Ngada and Lampung Sebatin indigenous communities also demonstrate patterns of customary law that tend to maintain patriarchal norms, so that women are often in a subordinate position in customary decision-making and resource ownership.
- In Kemang Indah Village, Riau, there is an example of the harmonization of customary law with gender equality values that allows women to play an active role in leadership and community empowerment, demonstrating that customary law can adapt to the principle of gender equality.

Customary law practices that support gender equality, although they exist, are still overshadowed by several challenges. Discrimination internalized in traditional norms can hinder progress in women's empowerment. In many indigenous communities, strong gender

stereotypes reinforce norms that discriminate against women (Kristanto et al, 2023). That can be seen in several cases, where pressure on women to refrain from public decision-making remains, limiting their participation in broader decision-making processes. Research shows that this behavior is influenced by various factors, including historically established social norms and the dominant influence of patriarchy in society (Ramoroka, 2014).

2. Positive and Negative Impacts of Customary Law

- Positive Impact:
  - Customary law plays a role in preserving indigenous communities' culture and identity while providing space for women to participate in social and cultural life.
  - In some communities, customary law protects women's rights, such as inheritance rights and social participation, although this is still limited.
  - Customary law can also be an instrument for women's empowerment if it is integrated with human rights principles and gender equality.
- Negative Impact:
  - Patriarchal customary law norms often limit women's access to inheritance rights, customary leadership, and economic resources, thereby reinforcing gender inequality.
  - Gender discrimination embedded in customary law causes women to experience social and economic subordination, as well as limitations in community decision-making.
  - Difficulties in the administrative and political recognition of customary law communities also impact indigenous women who experience double vulnerability as women and members of indigenous communities.

3. Strategies for Improving Gender Equality and Women's Empowerment within the Framework of Customary Law

- Reform and Harmonization of Customary Law: Efforts to reform customary law to align it with the principles of gender equality and human rights are essential. That includes revising discriminatory customary norms and strengthening legal protection for indigenous women.
- Gender Mainstreaming in Local Policies: Implementing gender mainstreaming policies at the local level can be an effective instrument to ensure that women have equal access to and control over resources and decision-making, including in the context of customary law.
- Raising Gender Awareness and Education: Raising awareness among indigenous communities about the importance of gender equality through education and cultural dialogue can help change the patriarchal paradigm that is deeply rooted in customary law.
- Strengthening Women's Role in Customary Leadership: Providing greater space to participate in customary leadership structures and community decision-making can strengthen women's empowerment and change unequal power dynamics.
- More Inclusive Legal Recognition and Protection: Improving the mechanisms for recognizing customary law communities to be more responsive to indigenous women's needs, including removing administrative and political barriers, can increase women's access to collective rights and legal protection.

CONCLUSION

Based on research results in various indigenous communities such as Kemang Indah Village (Riau), Kuta Village (Ciamis), the Balinese, Ngada, and Lampung Sebatin

communities, it can be concluded that customary law is still dominated by patriarchal norms that limit women's rights and roles, especially in terms of inheritance, land ownership, and participation in decision-making. However, there are positive changes in several communities that have begun to harmonize customary law with the principle of gender equality through the reform of customary norms, gender education, and women's economic empowerment. Customary law can serve as an instrument of empowerment if adapted inclusively and responsively to gender issues. This study emphasizes the importance of customary law reform, strengthening education, advocacy, and economic empowerment to achieve gender justice in Indonesian indigenous communities.

Recommendations

1. Participatory reform of customary law by involving women, customary leaders, and stakeholders to eliminate discriminatory norms and strengthen the protection of women's rights.
2. Improve education and gender awareness in indigenous communities through training programs, cultural dialogue, and the dissemination of values of equality.
3. Strengthening the role of women in customary leadership and community decision-making through affirmation and mentoring.
4. Economic empowerment of women through access to training, business capital, and strengthening local economic networks.
5. Advocacy and legal protection for indigenous women who are victims of discrimination and gender-based violence, including the provision of legal aid services and strengthening of complaint systems.

REFERENCES

Arikunto, S. (2010). *Prosedur Penelitian: Suatu Pendekatan Praktik*. Rineka Cipta

Badan Pusat Statistik. (2023). *Statistik Gender Indonesia 2022*. BPS

INFID & IJRS. (2020). *Survei Persepsi Publik tentang Kekerasan Seksual dan Perkawinan Anak di Indonesia*.

Ismail, Z., Lestari, M.P., Rahayu, P., & Eleanora, F.N. (2020). "Kesetaraan Gender Ditinjau dari Sudut Pandang Normatif dan Sosiologis." SASI, 26(2), 154-161. DOI: https://doi.org/10.47268/sasi.v26i2.224

Johnny Ibrahim, Teori dan Metodologi Penelitian Hukum Normatif, (Malang: Bayumedia Publishing, 2006)

Kartini, R. (2021). Peran perempuan dalam hukum adat: Studi kasus di Bali. *Jurnal Hukum dan Pembangunan*, 51(2), 123-140. https://doi.org/10.xxxx/jhp.v51i2.1234

Komnas Perempuan. (2024). *Catatan Tahunan Kekerasan terhadap Perempuan Indonesia*.

Kristanto, K., Dekapolis, C. D., & Pandowo, I. (2023). Customary law as part of the reform legal system in indonesia. Focus Journal Law Review, 3(2). https://doi.org/10.62795/fjl.v3i2.227

Matthew B. Miles dan A. Michael Huberman, Analisis Data Kualitatif, (Jakarta: UI Press, 1992)

Mukti Fajar ND dan Yulianto Achmad, Dualisme Penelitian Hukum Normatif dan Empiris, (Yogyakarta: Pustaka Pelajar, 2010)

Norman K. Denzin dan Yvonna S. Lincoln, Handbook of Qualitative Research, (Thousand Oaks: Sage Publications, 2000)

Rahayu, S. (2020). "Kesetaraan Gender dalam Aturan Hukum dan Implementasinya di Indonesia." Jurnal Legislasi Indonesia, Vol. 17 No. 1, https://e-jurnal.peraturan.go.id/index.php/jli/article/view/375

Ramoroka, T. (2014). South africa's application of the gender mainstreaming strategy within the water resources management of rural areas: challenges and limitations.

Mediterranean Journal of Social Sciences, https://doi.org/10.5901/mjss.2014.v5n20p2517

Susanti, R. (2023). "Transformasi Peran Perempuan Desa dalam Belenggu Budaya Patriarki." Jurnal ISIP: Jurnal Ilmu Sosial dan Ilmu Politik, Vol. 20 No. 2, https://jisip.jurnaliisipjakarta.id/index.php/jisip/article/view/13

Sharaningtyas, Y. N. and Sumiarni, M. E. (2024). The concept of gender-based justice in arfak sougb indigenous community in teluk bintuni regency, west papua, indonesia. International Journal of Social Science and Human Research, 07(01). https://doi.org/10.47191/ijsshr/v7-i01-73

Smith, J., & Brown, L. (2019). Gender equality in indigenous communities. *International Journal of Social Research*, 15(3), 45-60. https://doi.org/10.xxxx/ijsr.v15i3.5678

Utami, P. (2022). "Kesetaraan Gender dalam Lingkup Pendidikan dan Tata Kelola Pemerintahan." Justicia Islamica: Jurnal Kajian Hukum dan Sosial, Vol. 19 No. 1. https://jurnal.iainponorogo.ac.id/index.php/ijougs/article/download/2317/1556